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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/392,127 02/22/95 FISCHER

EXAMINER
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DARBY AND DARBY
805 THIRD AVENUE
NEW YORK NY 10022

35M1/0523

ART UNIT	PAPER NUMBER
JENSEN, N	6

DUE:

Decketed on

June 22, 1996 (10/22/96)

3502 DATE MAILED:

This is a communication from the examiner to the
COMMISSIONER OF PATENTS AND TRADEMARKS

Attorney

05/23/96

- ☐ This application has been examined ☒ Responsive to communication filed on 2.20.96 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-101 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☐ Claims have been cancelled.
3. ☐ Claims are allowed.
4. ☐ Claims are rejected.
5. ☐ Claims are objected to.
6. ☒ Claims 1-101 are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3502

Part III DETAILED ACTION

Election/Restriction

1. Receipt of the Response to the Restriction Requirement, received 20 February 1996, is acknowledged. However, upon reconsideration, it is deemed proper to further restrict Group I (claims 1-40 and 66-71) as described in the following paragraph.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group IA. Claims 1-40, drawn to a method for computerized engine-torque-dependent clutch slip regulation classified in Class 364, subclass 424.01.

Group IB. Claims 66-71, drawn to a torque converter/slip clutch combination wherein the torque transmitted by the clutch is a function of heat or road slope, classified in Class 192, subclass 3.3.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions IA and IB are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IB has separate utility such as use in a system not using engine parameters to determine clutch transmission. See M.P.E.P.

§ 806.05(d).

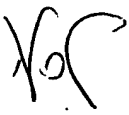
Art Unit: 3502

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because of the change in the restriction requirement, Applicant is allowed to choose between Inventions IA, IB (as described above), II, III, IV, and V (as described in the Restriction Requirement mailed 18 January 1996, Paper Number 4).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Jensen whose telephone number is (703) 305-6297. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.


noj

May 16, 1996

CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
ART UNIT 3502